

NOT TO BE INCLUDED  
IN BOUND VOLUMES

LS  
Nottingham, MD

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AUER ELECTRIC  
Employer

and

Cases 5-RC-16313  
5-CA-35007  
5-CA-35091

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 24,  
AFL-CIO

Petitioner

DECISION AND ORDER

The National Labor Relations Board has considered challenges to an election held on June 9, 2009, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The revised tally of ballots shows six for the Petitioner, nine against, with nine challenged ballots, a sufficient number to affect the results of the election.

The Board has reviewed the Report on Challenged Ballots, the Employer's exceptions and brief, and the Petitioner brief in response, and has adopted the Regional Director's findings and recommendations, and remands this proceeding to the Regional Director for further appropriate action consistent with this decision.<sup>1</sup>

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<sup>1</sup> Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. September 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), cert. granted, \_\_\_ S.Ct. \_\_\_, 2009 WL 1468482 (U.S. Nov. 2, 2009); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for further appropriate action consistent with this decision.

Dated, Washington, D.C., November 12, 2009.

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Wilma B. Liebman, Chairman

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Peter C. Schaumber, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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U.S.L.W. 3098 (U.S. August 18, 2009) (No. 09-213). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed, \_\_U.S.L.W.\_\_ (U.S. September 29, 2009)(No. 09-377).